

REMARKS

The Examiner has rejected Claims 1-2, 4-13, 14-23, 39-40, 44-51 and 53-54 under 35 U.S.C. 103(a) as being unpatentable over Slivka et al. (U.S. Patent No. 6,256,668) in view of Meyerson (U.S. Patent Publication No. 2002/0184619). The Examiner has rejected Claims 24-25, 28-38, 43 and 52 under 35 U.S.C. 103(a) as being unpatentable over Slivka in view of Meyerson in further view of "Understanding UPnP™: A Whitepaper" (June 200, published by the UPnP™ Forum). Applicant respectfully disagrees with such rejections, especially in view of the amendments made hereinabove. Specifically, each of the independent claims have been amended to include the subject matter of Claims 27-28 et al.

The Examiner has rejected the subject matter of Claims 26-27 and 41-42 under 35 U.S.C. 103(a) as being unpatentable over Slivka, Meyerson, UPnP™, and further in view of the publication "Plug-In Guide" published by Netscape Communications™. Specifically, the Examiner argues that the disclosed architecture supports on-load and on-unload events with the NPP_INITIALIZE and NPP_DESTROY events. However, applicant has amended each of the independent claims to clearly distinguish such events.

In particular, applicant now requires a unique timing of the claimed plug-ins. For example, the initial plug-in is executed prior to sending the status report, and the post-plug-in is executed after installing the installable components. Clearly, the NPP_INITIALIZE event of Netscape is not executed prior to sending the status report, etc.

Still yet, applicant's claims now require specific functionality associated with the plug-ins. Specifically, the initial plug-in is claimed to monitor "the status daemon to determine if the status daemon is running, and restart the status daemon if it is determined that the status daemon is not running," as claimed. Again, clearly, the NPP_INITIALIZE event of Netscape in no way meets such functionality that ensures that the status daemon reports to ensure proper operation, etc.

Even still, applicant has further distinguished the claimed invention by requiring that the catalog further include "a tag indicating a component server at which to locate and obtain each installable component, and a type indicator indicating whether each installable component is a package or a file" (see this or similar, but not identical, language in each of the independent claims). Only applicant teaches and claims such a combination of features for enhancing the ability of the catalog server to provide installable components during use.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).


Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

Commissioner is authorized to charge any additional fees or credit any overpayment to
Deposit Account No. 50-1351 (Order No. NAI1P375/01.086.01).

Respectfully submitted,
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